

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DONALD RICHARD KARR, JR.,

CV 24–84–M–DLC

Plaintiff,

vs.

ORDER

JOSEPH BIDEN, JR., UNITED
STATES OF AMERICA,
DEPARTMENT OF VETERANS
AFFAIRS, DENIS McDONOGH,
VETERANS AFFAIR UNION AFGE
(AFL-CIO), TRICARE INSURANCE,
DONALD LEE KARR, and
RESPONDENTS AND DOES 1–1500,

Defendants.

United States Magistrate Judge Kathleen L. Desoto entered Findings and Recommendation in this matter on July 30, 2024. (Doc. 4.) For the reasons herein, the Court adopts Judge DeSoto’s Findings and Recommendation in full.

Because no parties objected, they are not entitled to de novo review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite

and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that the Complaint (Doc. 1) be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with the Court’s orders. (Doc. 4 at 4.) The basis for the recommendation is that Karr has failed to pay the \$405 civil filing fee, file an application to proceed in forma pauperis, or otherwise make a filing in this case beyond the Complaint. (*Id.* at 1–2.) Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge DeSoto’s Findings and Recommendation (Doc. 4) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that the Complaint (Doc. 1) is DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with the Court’s orders.

IT IS FURTHER ORDERED that the Clerk of Court shall enter, by separate document, judgment of dismissal pursuant to Federal Rule of Civil Procedure 58.

IT IS FURTHER ORDERED that the Court certifies, pursuant to Federal Rule of Appellate Procedure 24(a)(4)(B), that any appeal from this disposition would not be taken in good faith.

DATED this 15th day of August, 2024.


Dana L. Christensen, District Judge
United States District Court